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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,)
09 Plaintiff,) CASE NO. CR10-5662-RAJ
10 v.)
11 CORDARO WENTWORTH,) ORDER DENYING DEFENDANT'S
12 Defendant.) MOTION TO REVIEW DETENTION
HEARING
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14 Defendant Cordaro Wentworth is charged with violation of the conditions of Supervised
15 Release by absconding from a halfway house on November 28, 2019 (Dkt. 111-113). He was a
16 fugitive until his arrest on February 14, 2020, at which time he was ordered detained pending
17 hearing. Defendant commenced supervision in 2018, and was found to have violated conditions
18 of supervised release on several occasions (including absconding from a halfway house) prior
19 to the filing of the instant violation report.

20 Defendant moves this Court to review the detention order and set conditions of
21 Release, arguing the COVID-19 virus presents a change circumstances warranting review and
22 release. (Dkt. 125.) The government filed a response in opposition to the motion. (Dkt. 129.)

01 Judge Jones has referred the motion to the undersigned Magistrate Judge. The Court finds this
02 motion appropriate for resolution without oral argument or an evidentiary hearing.

03 As defendant acknowledges, 18. U.S.C. §3143 governs post-conviction release or
04 detention. Detention is presumed detained unless the judicial officer “finds by clear and
05 convincing evidence that the person is not likely to flee or pose a danger to the safety of any
06 other person or the community if released under §3142(b) or (c)”.

07 Although defendant styled his request as a motion to review this Court’s detention order,
08 a motion to review a ruling of a magistrate judge must be filed within fourteen days of the entry
09 of the ruling (18 U.S.C. § 3145(b), (MJR 12(c)). Therefore, the Court will consider
10 defendant’s request a motion to reopen the hearing based on 18 U.S.C. § 3142(f)(2)(B), which
11 provides that a detention hearing may be reopened “if the judicial officer finds that information
12 exists that was not known to the movant at the time of the hearing and that has a material bearing
13 on the issue whether there are conditions of release that will reasonably assure the appearance
14 of such person as required and the safety of any other person and the community.” *Id.* The
15 Court assumes without finding, for purposes of this order, that defendant has satisfied the
16 requirements of 18 U.S.C. §§ 3142(f) for reopening the detention order. However, the Court
17 finds defendant has not made a persuasive case for release, or for temporary release under 18
18 U.S.C. §3142(i).

19 The government opposes release, noting an absence of known COVID-19 cases at the
20 FDC, and the preparations taken by staff at the facility to prevent an outbreak and to be prepared
21 to address such cases that might arise. The government argues defendant has failed to establish
22 a basis for reopening the detention order, and has failed to show any change in the defendant’s

01 risk of flight or danger to the community. The government argues defendant has a lengthy
02 criminal record that has continued without pause since 2004, except for those times when he
03 was in custody, and has shown that he is not willing to comply with conditions of supervision
04 if released.

05 Defendant is alleged to have absconded from a halfway house and to have remained in
06 abscond status until arrested in February 2020. Defendant has not shown that he will be
07 compliant on supervision with fewer resources devoted to assuring that compliance. In fact, the
08 Court agrees with the government that defendant has shown by his past conduct that he cannot
09 be relied on to comply with release conditions. Nor has defendant shown the presence of any
10 special factors that justify releasing him from custody because of the COVID-19 pandemic.

11 Defendant's Emergency Motion to Review Detention is DENIED.

12 DATED this 1st day of April, 2020.

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15 Mary Alice Theiler
16 United States Magistrate Judge
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